

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No. 58 of 2022

Smt. Suman Ram

.....

Petitioner

Mr. Dipti Ranjan Bhokta, Advocate

Vs.

Sri Priyabrata Sahu

.....

Opposite Party

Mr. Trilochan Panigrahi, Advocate

CORAM:

JUSTICE SAVITRI RATHO

ORDER

06.09.2022

Order No.

03.

1. This matter is taken up through hybrid mode.
2. This application under Section 24 of the C.P.C. has been filed by the petitioner-wife for transfer of C.P. Case No. 202 of 2021 filed by the opposite party-husband under Section 9 of the Hindu Marriage Act, in the Court of the learned Judge, Family Court, Bhadrak, to the Court of learned Judge, Family Court, Bhubaneswar.
3. Mr. Bhokta, learned counsel for the petitioner-wife submits that the marriage of the parties was solemnized on 19.06.2019, but due to ill-treatment and torture by the opposite party and his family members for unfulfilled dowry, the petitioner is residing in her parental house at Bhubaneswar since 25.02.2021. Although the petitioner is residing in Baramunda Housing Board Colony, Bhubaneswar, but in order to harass the petitioner, the opposite party has filed the case at Bhadrak. As the distance between Bhadrak and Bhubaneswar is about 100 km., it would be inconvenient for her to go to Bhadrak to contest the said case.

4. In view of the nature of the proceeding under Section-9 of the Hindu Marriage Act, and the delay in disposal of the case if it is directed to be transferred, I do not think it is necessary to transfer the case from the Court of the learned Judge, Family Court, Bhadrak, to the Court of learned Judge, Family Court, Bhubaneswar. However, in view of the inconvenience which will be faced by the petitioner, if she is compelled to personally appear in the case on each date at Bhadrak, I am of the view that interest of justice will be served if the petitioner is permitted to file her response in C.P. Case No. 202 of 2021 by way of an affidavit through her counsel within a period of two weeks from today. In case she agrees to join the company of the opp. party, the learned Judge shall finally dispose of the C.P. Case No. 202 of 2021 by passing appropriate order within a period of four weeks thereafter. In the event the petitioner is not willing to join the opp. party, the learned Judge, Family Court, Bhadrak shall make one more effort for conciliation by fixing a suitable date for appearance of both the parties giving enough notice to the petitioner. In the event, the conciliation process does not succeed or the parties do not cooperate, the learned Judge, Family Court, Bhadrak shall conclude the proceeding as expeditiously as possible preferably within one or two dates from the date of failure of the conciliation, without insisting on the personal appearance of the wife.

5. The TRP(C) is disposed of with the aforesaid directions.

6. Urgent certified copy of this order be granted as per rules.

7. A copy of this order be sent to the Court of the learned learned Judge, Family Court, Bhadrak by the Registry, at the earliest.

puspa

.....
(SAVITRI RATHO)
JUDGE

